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6 The Honorable Robert J. Bryan
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 DENA PIPKIN, personally and as Personal
14 Representative of the ESTATE OF JOSHUA
15 HIGHTOWER; RICHARD HIGHTOWER,

16 Plaintiffs,

17 v.

18 THE BURLINGTON NORTHERN AND SANTE
19 FE RAILWAY COMPANY, a foreign
20 corporation; CREW SHUTTLE SERVICE, INC.,
21 a foreign corporation,

22 Defendants.

23 And

24 UNION PACIFIC RAILROAD COMPANY,

25 Party Intervenors.

NO. C04-5591RJB

STIPULATION AND ORDER
REGARDING EXTENSIONS OF
TIME AND PARTIAL
WITHDRAWAL OF MOTION
REGARDING CONTINUANCE
AND MOTION TO QUASH

26 The parties have met and conferred through counsel and agree upon the following
27 stipulation regarding extensions of time. This stipulation does not extend the trial date or any of
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29 STIPULATION AND ORDER REGARDING EXTENSIONS
30 OF TIME AND PARTIAL WITHDRAWAL
31 OF MOTION REGARDING CONTINUANCE
32 AND MOTION TO QUASH- 1
33 NO. 04-5591RJB

1 the deadlines pertaining to the trial including filing of pretrial motions in limine, trial briefs, jury
 2 instructions and the like. It also does not alter the date set for convening a mediation or
 3 settlement conference. Union Pacific therefore WITHDRAWS its Motion to Continue Pre-Trial
 4 Dates at this time. Union Pacific does not withdraw its motion as regards continuance of the trial
 5 date, however, as it continues to believe insufficient time remains to prepare for trial.

6 1. Disclosure of expert testimony under FRCP 26(a)(2): Sept. 6, 2005

7 2. Rebuttal expert disclosure: Sept. 20, 2005

8 3. Discovery COMPLETED by: Oct. 3, 2005

9 4. Dispositive Motions FILED by: Oct. 6, 2005

10 5. The parties have identified at least the following depositions to be held during

11 these dates if properly noted and if service is obtained on the necessary parties:

12 (1) Liam Moore

13 (2) Angela Moore

14 (3) Plaintiff Dena Pipkin

15 (4) Dr. Hoyt

16 (5) Dr. Beckwith

17 (6) Cowlitz County Sheriff Brad Bauman

18 (7) Deputy Coroner Tim Davidson

19 (8) Dr. Lonn Hutchison

20 (9) Ken McDermott

21 (10) Robert Parks

22 (11) Mr. Jacobssen

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- 1 (12) Mr. Robertson
- 2 (13) Alan Tencer,
- 3 (14) A FRCP 30(b)(6) representative of Intermountain
- 4 (15) A FRCP 30(b)(6) witness of Union Pacific regarding the
5 indemnification agreement
- 6 (16) David Knowles
- 7 (17) Stan Owings
- 8 (18) Union Pacific employee Frank Tafoya
- 9 (19) Union Pacific employee Brad Limbaugh
- 10 (20) Any supplemental expert disclosed by Union Pacific
- 11 (21) 4-5 currently unidentified depositions

12 In exchange for counsel for Union Pacific having provided to plaintiffs the list of subject
13 matter areas on which they believe they need to depose Dena Pipkin, Liam Moore, Angela
14 Moore and Dr. Hoyt, plaintiffs agree to WITHDRAW their motion to quash. All parties reserve
15 their right to object to questions which the parties believe may exceed the scope of proper
16 questioning.

17 DATED this 24th day of August 2005.

18 STRITMATTER KESSLER WHELAN
19 WITHEY COLUCCIO

20 s/Michael E. Withey (E-mail Authorization)
21 MICHAEL E. WITHEY, WSBA 4787
22 Counsel for Plaintiffs

23 ///

24 STIPULATION AND ORDER REGARDING EXTENSIONS
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1 MONTGOMERY, SCARP, MacDOUGALL, PLLC
2

3 s/Brad Scarp (E-mail Authorization)
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BRAD SCARP, WSBA 21453
Counsel for Defendant BNSF

5 LAW OFFICE OF JAMES P. RICHMOND
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7 s/Brett M. Wieberg (E-mail Authorization)
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BRETT M. WIEBERG, WSBA 22353
Counsel for Defendant Crew Shuttle Service

9 LANE POWELL PC
10

11 s/Emilia L. Sweeney
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TIM WACKERBARTH, WSBA 13673
MICHAEL H. RUNYAN, WSBA 06986
EMILIA SWEENEY, WSBA 23371
Counsel for Party Intervenor Union Pacific

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15 s/Mark S. Brumbaugh (E-mail Authorization)
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MARK S. BRUMBAUGH, WSBA 21547
Counsel for Plaintiff Richard Hightower

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ORDER

NOW, therefore, it is hereby

ORDERED, ADJUDGED and DECREED that this Stipulation and Order Regarding Extensions of Time and Partial Withdrawal of Motions Regarding Continuance and Motion to Quash is GRANTED.

DATED this 29th day of August, 2005.

Robert F. Bryan

ROBERT J. BRYAN
United States District Judge

Presented by:

LANE POWELL PC

By s/Emilia L. Sweeney
TIM WACKERBARTH, WSB# 13673
MICHAEL H. RUNYAN, WSB# 06986
EMILIA SWEENEY, WSB# 23371
Counsel for Party Intervenor Union Pacific

STIPULATION AND ORDER REGARDING EXTENSIONS
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NO. 04-5591RJB

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

CERTIFICATE OF SERVICE

I, Lorrie A. Salinas, the undersigned, hereby certify on August 24, 2005, I electronically filed the STIPULATION AND ORDER REGARDING EXTENSIONS OF TIME AND PARTIAL WITHDRAWAL OF MOTION REGARDING CONTINUANCE AND MOTION TO QUASH to the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

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Dated: August 24, 2005.

s/Lorrie A. Salinas

Lorrie A. Salinas

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